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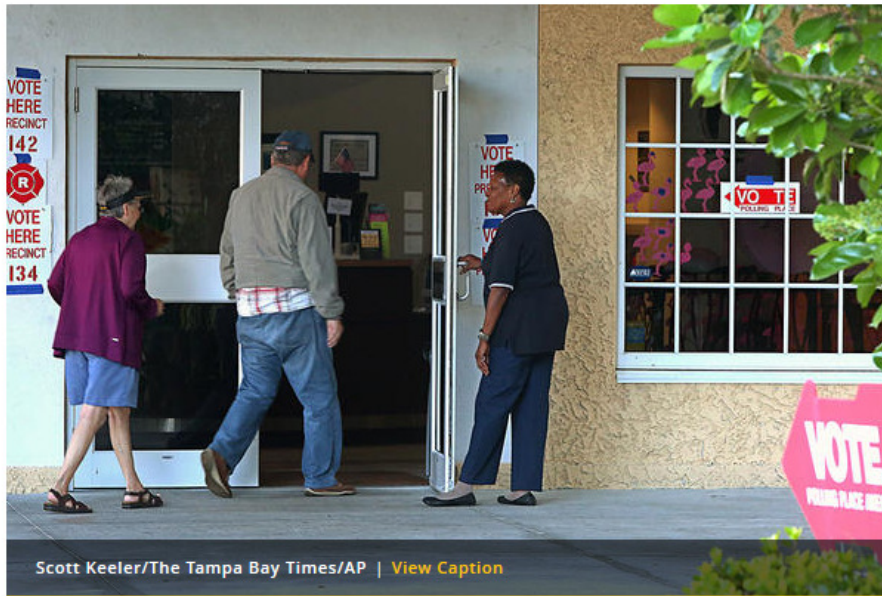
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USA | JUSTICE

Court rules Florida voter purge illegal, but will it stop GOP voting tweaks?

In 2012, Florida Gov. Rick Scott (R) attempted to purge the state's voter rolls of noncitizens and other ineligible voters. On Tuesday, a panel for the 11th Circuit Court of Appeals ruled against the effort 2 to 1.

By Patrik Jonsson, Staff writer | APRIL 2, 2014



Scott Keeler/The Tampa Bay Times/AP | [View Caption](#)

ATLANTA — A panel for the [11th Circuit Court of Appeals](#) in Atlanta on Tuesday deemed illegal a 2012 attempt by [Florida Gov. Rick Scott](#) (R) to purge the state's voter rolls of noncitizens and other ineligible voters.

The ruling, which the justices said was intended to thwart future questionable roll purges, comes amid a new wave of pitched battles between Republicans who say they want to make voting fairer by curbing voting-booth shenanigans and [Democrats](#) who say adding restrictions to voting is a blatant attempt to keep poor people and blacks — many of whom are Democrats — from casting ballots.

Since the [US Supreme Court](#) unshackled most [Southern states](#) from the preclearance provision of the [Voting Rights Act](#) last year, Republican-led legislatures have launched efforts to create what they say are more uniform election systems to ensure that each vote is equal.

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Republicans in [Ohio](#) and [Wisconsin](#) have curbed weekend voting, which critics say would most affect blacks who often carpooled to polling places from church on Sunday. In [North Carolina](#), Republicans have stiffened early-voting and registration rules.

In Tuesday's 2-to-1 ruling, the 11th Circuit panel said that the two plaintiffs in a lawsuit – two foreign-born but naturalized women – were directly injured by the purge after their names were thrown out by mistake.

Florida had argued that both women were ultimately allowed to vote, but the two majority justices didn't buy that, saying, "there was a realistic probability that they would be misidentified due to unintentional mistakes"

The state originally identified 180,000 questionable voters, comparing rolls primarily to driver's license data. The secretary of State cut that list to 2,600, then to 198. At the end of the process, 85 voter names were thrown out.

The names of the two women, who were from [Nicaragua](#) and [Haiti](#), were on one of the early purge lists. **[Editor's note: The original version of this paragraph incorrectly stated how Florida's purging process related to the two women.]**

Florida is now reviewing whether it will ask the entire 11th Circuit Court to review the panel's finding.

Last week, Florida Secretary of State Ken Detzner abandoned "Project Integrity," another effort to scrub rolls of noncitizens after a cry of opposition from local election supervisors.

Occasional voter purges are common and indeed necessary to ensure that only properly registered voters are allowed to cast ballots. But the 2012 [Florida](#) effort came within 90 days of the 2012 election, sparking charges of underhanded politics aimed at hobbling the Democratic vote in what the Obama campaign deemed a key state. ([President Obama](#) ended up winning



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Overall in the past year, nine Republican-led states have approved more restrictive voting requirements, aimed at, lawmakers say, preventing voter fraud and making voting rules more uniform across states.

"Every city on Election Day has voting from 7 a.m. to 8 p.m. [so] the idea that some communities should have weekend or night voting is obviously unfair," Wisconsin state Sen. Glenn Grothman (R) told Reuters recently. "It's a matter of uniformity. I don't know what the hoopla is over."

Some GOP attempts to shore up voting rules have been upheld. On March 18, a US district judge in Wichita, Kan., ordered the US Election Assistance Commission to modify forms to abide by new laws in Kansas and Arizona demanding proof of citizenship from voters, as opposed to the honor system currently in place on federal voter registration forms.

Last year, the Supreme Court, by one vote, overturned parts of the 1965 Voting Rights Act, specifically the mandate that jurisdictions, mostly in the South, with a history of voter disenfranchisement have to run any changes to election law by the Department of Justice in Washington.

In his opinion for the majority, Chief Justice John Roberts noted, "Our country has changed," meaning that remedies to racial discrimination must "speak to current conditions."

The Obama administration, which includes the country's first black president and first black attorney general, has framed the voting-rules battles as ugly partisanship undermining a basic American right.

Saying that the administration will "aggressively" fight new restrictions on voting, Attorney General Eric Holder told the National Association for the Advancement of Colored People last year, "Let me be clear: We will not allow political pretexts to disenfranchise American citizens of their most precious rights." ■

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